THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.8815 of 2007

Between:

Pavuluru Mohan Rao. … Petitioner

and

The Station House Officer, Gudur,
and another. … Respondents

ORDER:

It is the case of the petitioner that he purchased an extent of Ac.26-50 cents in Sy.Nos.1047, 1048 and 1051 of Ramalingapuram village, Gudur Mandal, Nellore District, in the year 1996. There are certain civil disputes with one Gudipati Krishna Reddy and his family members and one Khajamiya.

While so, on 11-04-2006, the said Gudipati Krishna Reddy, Gudipati Masthan Reddy, Atla Seena Reddy, Nellam Subba Reddy, Shaik Khajamiya, Chita Reddy and Ramana Reddy cut and carried away about 50 tons of Subabul valued about Rs.45,000/- inspite of his protest. Therefore, he was constrained to file a private complaint in the Court of Judicial First Class Magistrate, Gudur, on 26-12-2006. The learned Magistrate referred the case to the 1st respondent on 27-12-2006 under Section 156(3) Cr.P.C. and the same was dispatched to the 1st respondent vide Dis.No.1369, dated 27-12-2006, for investigation. But, so far, no crime has been registered inspite of referring the case by the concerned Judicial First Class Magistrate. Aggrieved thereby, this writ petition is filed seeking a direction to the respondents to register the crime and investigate the same, in accordance with law.

Once the Judicial First Class Magistrate refers the matter, there is no other option to the concerned Station House Officer, except to register the crime and investigate the same for taking appropriate action.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to register the crime, pursuant to the complaint filed by the petitioner, which was referred by the

Judicial First Class Magistrate, Gudur, vide Dis.No.1369, dated 27-12-2006, forthwith. There shall be no order as to costs.

_____

30-04-2007

Prv